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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,854	09/03/2003	Darcy Linklater	P-1542-021	5278
7590	09/21/2005			
Floyd E. Ivey Liebler, Ivey, Connor & Berry P.O. Box 6125 Kennewick, WA 99336			EXAMINER COLLINS, TIMOTHY D	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/654,854

Applicant(s)

LINKLATER, DARCY

Examiner

Timothy D. Collins

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

While any delay in prosecution is regrettable, upon further review and consideration the previous final office action has been withdrawn and prosecution has been reopened. However because of the applicant's amendments filed 6/3/04, a NEW FINAL REJECTION is made below.

#### ***Drawings***

The informal drawings filed 6/3/04 are noted however the applicant has stated that new formal drawings were to be filed shortly after 6/3/04. No new formal drawings have been filed to the date of this action, therefore new drawings are required in response to this action. The new drawings must not however contain any new matter. See notes below.

The informal drawings filed 6/3/04 contain new matter. The details of the ferrule and figure 1a were not discussed in enough detail to support the matter disclosed by the figure. Also similarly because of the numerous inconsistencies in reference numbers and parts of the drawings the drawings are being held as new matter and are not acceptable because of this new matter.

***Claim Objections***

1. Claim 4 is objected to because of the following informalities: in the 3<sup>rd</sup> line the word [sure] appears to mean --lure--. For the purpose of examination on the merits the examiner takes this as such. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2482648 to Brandt (hereinafter called 648).

- a. Re claim 1, 648 discloses a fishing lure (as seen in figure 1), with an elongated primary shaft 14, with first (end to the left in figure 5) and second ends (end to the right, which is near the bend). Also 648 discloses an elongated lure shaft (16) with first (near number 12) and second ends (near the bend to the right of figure 5). Also 648 discloses that the lure shaft at the lure shaft second end is fixedly interconnected (at the bend, the wire is connected to the primary shaft by interconnection means (which is the bend and metal being formed together)) near the second end of the primary shaft. 648 also discloses that a fish hook means as seen on the right of figure 1, has a fish hook shaft (20), the hook shaft being secured with hook shaft affixing means (the round interconnection of

approximately 24 in figure 2, where the hook shaft connects to the primary shaft at the second end). The reference discloses Lure shaft locking means (12) proximal to the first end to secure the lure to the lure shaft first end and means (numbers 40 or 36) proximal the first end to receive the fishing leader can be seen in figures 1 and 2. Also 648 discloses that the lure shaft is sized to receive a lure or bate, the bate being secured from "throw off" by the lure shaft at the first end being received by the locking means. This is because a bate may be placed on the lure shaft and it will be held on the lure shaft by the lure shaft being locked to the primary shaft by the locking means 12. Therefore because the bate may be placed there and locked there, the lure shaft is "sized to receive a lure or bate".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over 648 as applied to claim 1 in view of USPN 2784519 to Ralston et al. (hereinafter called 519).

b. Re claim 2, 648 discloses that the primary shaft and lure shaft are composed of rigid material ( in this case wire) as stated in column 2 at lines 4-6. Also 648 discloses that the shaft interconnection means is by wire twist as seen

in figure 5, the bend or twist in the wire of figure 5 is the interconnection means.

Also 648 discloses that the hook shaft affixing means is by wire twist in that the wire at number 24 is twisted around the interconnection of the lure shaft and the primary shaft in figure 2. However 648 does not disclose that the lure shaft locking means is by a ferrule means. Ferrule means however are taught for connection of fishing lure components in 519 at least in figures 2 and 3 at number 30 which is seen as a ferrule at least in lines 34-35 of column 2.

Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of 519 into the device of 648 so as to lock the lure shaft securely by using the ferrule of 519 for the purpose of securely fastening the lure shaft and allowing for a smooth covering to the locking means for the purpose of shedding weeds while fishing in overgrown areas.

c. Re claim 3, 648 discloses that the rigid material of the primary shaft and lure shaft is a metal wire, as seen in the figures and column 2 at lines 4-6. 648 also discloses that the interconnection means is a wire twist of the lure shaft proximal the second end about the primary shaft proximal the second end as seen in the figures by the turn and twist of the wire where they connect. 648 also discloses 648 as modified above discloses that the ferrule is a double barrel ferrule, because as seen in the figures of 519 the ferrule has two barrels connected at a midpoint as seen in figure 3, the first barrel is seen as number 36 and the second as number 34 while the connection is 32. When combined the two references will produce a primary shaft with the ferrule on it, and a lure shaft

which can be slipped up into the ferrule to hold them both together. 648 does not disclose that the hook shaft affixing means is a ferrule however it would have been obvious to one of ordinary skill in the art to have applied the teachings of 519 into the device of 648 so as to connect the hook shaft to the primary shaft with a smooth covering ferrule. This would produce a connection much like that of figure 2 of 519 with the connection of the primary shaft to the hook shaft being covered by the ferrule with the 2<sup>nd</sup> end of the primary shaft being in one barrel of the ferrule and the hook shaft end being in the other end of the ferrule and crimped in the middle to hold the ferrule in place. This would be done to make the lure tangle in weeds less frequently.

d. Re claim 4, 648 does not disclose that the metal wire is tobacco colored however the examiner takes official notice it is old and well known in the art to use tobacco colored wire in lures for the purpose of concealment and ease of manufacture and longevity through the use of copper wire. Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of colored wire into the device of 648 as modified so as to conceal the wires and also to allow for the use of copper as a manufacturing component. Also 648 discloses that the lure shaft has a spring function as seen in figure 5 of 648, in that the wires of the lure shaft and primary shaft are forced away from one another.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses lures with shafts.

- e. USPN 3750325
- f. USPN 2940204
- g. USPN 4930245
- h. USPN 5226253

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-



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6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy D. Collins  
Patent Examiner  
Art Unit 3643



Peter M. Poon  
Supervisory Patent Examiner  
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9/19/05